

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FRANK BRETT,</b>	:	
<b>Plaintiff</b>	:	<b>Civil Action No. 1:11-cv-01528</b>
	:	<b>(Chief Judge Kane)</b>
	:	
v.	:	
	:	
<b>FRANK IZZI, <u>et. al</u>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Presently pending before the Court is Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 8), recommending that Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) be granted, and that the Court dismiss all claims against Defendants Oriel and Christine with prejudice. Judge Blewitt also recommended that the Court dismiss all claims against Defendant Izzi and deny Plaintiff's motion for appointment of counsel (Doc. No. 5) and motion for leave to file exhibits (Doc. No. 6) as moot, or, in the alternative, to transfer Plaintiff's case, as against Defendant Izzi, to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1404(a). No timely objections have been filed.

**ACCORDINGLY**, on this 31<sup>st</sup> day of October 2011, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation of Magistrate Judge Blewitt.
2. Plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**.
3. Plaintiff's claims against Defendants Oriel and Christine are **DISMISSED WITH PREJUDICE**.
4. The case, as against Defendant Izzi, is **TRANSFERRED** to the Eastern District of Pennsylvania for further proceedings.

S/ Yvette Kane  
Yvette Kane, Chief Judge  
United States District Court  
Middle District of Pennsylvania